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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,182	02/24/2004	Hideki Sawano	1046.1312	1131

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EXAMINER

ADDY, ANTHONY S

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/784,182

Applicant(s)

SAWANO, HIDEKI

Examiner

Anthony S. Addy

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

2. This action is in response to applicant's amendment filed on March 06, 2006.

**Claims 1-19** are pending in the present application.

### *Response to Arguments*

3. Applicant's arguments with respect to **claims 1-19** have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Objections*

4. **Claim 11** is objected to because of the following informalities:

a) On **line 6** of **claim 11**, replace "a periphery the" with --a periphery of the--

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 8 and 11** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 8 and 11, applicant recites the limitation " the apparatus" on lines 8 and 10 of claim 8, and line 7 of claim 11, however there is insufficient antecedent basis for this limitation in the claims.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Murphy, U.S. Patent Number 6,094,164 (hereinafter Murphy)**, and further in view of **Calvert et al., U.S. Publication Number 2002/0102989 A1 (hereinafter Calvert)**.

Regarding claim 1, Murphy teaches a measuring apparatus cooperating with a service device that provides position information of a search object (see col. 3, line 62 through col. 4, line 12, col. 6, lines 22-50 and Fig. 1B; shows tracking units 10A-10C [i.e. reads on a measuring apparatus] cooperating with a base station 20 [i.e. reads on a service device] that provides position information of an object 12 [i.e. reads on a search object]), comprising: a unit for transmitting and receiving information (see col. 7, lines 1-14 and Fig. 2); a unit calculating a distance between the measuring apparatus and the search object (see col. 4, lines 43-59, col. 7, lines 1-14 and Fig. 2); a unit acquiring present position information of the measuring apparatus (see col. 7, lines 15-21 and Fig.

2); and a unit transmitting the present position information and the distance information to the service device (see col. 4, lines 43 through col. 5, line 9, col. 7, lines 1-14 and Fig. 2), wherein the service device is placed at a predetermined fixed location (see col. 4, lines 60-67, col. 7, lines 59-64 and Fig. 1B; shows a base station 20 placed at a predetermined fixed location from tracking units 10A-10C).

Murphy fails to explicitly teach the measuring apparatus accepting from a request apparatus a search request for searching the position of the search object.

In an analogous field of endeavor, Calvert teaches a method and apparatus for accurately locating a communication device in a wireless communication system, wherein a requesting device such as a wireless/wireline telephone device sends a request for the location of a communication device to a wireless system controller (see p. 2 [0023], p. 4 [0034] and Fig. 1 [i.e. wireless/wireline telephone devices 101, 102 & 113 reads on a request apparatus requesting position information from wireless system controller 107 [i.e. reads on a measuring apparatus] of a communication device 101 [i.e. reads on a search object] in the wireless system 100]). According to Calvert, the search request preferably includes the identification (ID) or address of the communication device to be located and the address or ID of the requesting device to which the location is to be sent (see p. 4 [0034]).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Murphy with Calvert to include the measuring apparatus accepting from a request apparatus a search request for searching the position of a search object, in order to accurately locate a communication device by including the

identification (ID) or address of the communication device to be located in a search request to the system infrastructure as taught by Calvert (see p. 2 [0020] and p. 4 [0034]).

Regarding claim 2, Murphy in view of Calvert teaches all the limitations of claim 1. Murphy further teaches a measuring apparatus, further comprising: a unit transmitting radio waves receivable by the search object (see col. 7, lines 1-14, col. 4, lines 25-31 and Fig. 2); and a unit receiving a response to the radio waves from the search object (see col. 7, lines 1-14, col. 4, lines 25-31 and Fig. 2).

Regarding claims 4 and 5, Murphy teaches a service device for providing position information of a search object (see col. 4, line 51 through col. 5, line 18 and Fig. 1B; shows a base station 20 [i.e. reads on a service device] that provides position information of an object 12 [i.e. reads on a search object]), comprising: a unit receiving, from a measuring apparatus for measuring a position of the search object, present position information of the measuring apparatus and information about a distance between the measuring apparatus making the measurement and the search object (see col. 4, lines 43-59 and col. 13, lines 37-57), and calculating the position information of the search object, based on the present position information and the information about the distance to the search object received from the measuring apparatus (see col. 5, lines 2-4, col. 6, lines 42-48 and col. 8, lines 13-16); and a unit transmitting to an apparatus the position information of the search object that has been calculated based on the present position information and the information about the distance to the search object received from the measuring apparatus (see col. 9, lines 4-15), wherein the

service device is placed at a predetermined fixed location (see col. 4, lines 60-67, col. 7, lines 59-64 and Fig. 1B; shows a base station 20 placed at a predetermined fixed location from tracking units 10A-10C).

Murphy fails to explicitly teach a request apparatus requesting the position information of the search object and transmitting to the request apparatus the position information of the search object.

In an analogous field of endeavor, Calvert teaches a method and apparatus for accurately locating a communication device in a wireless communication system, wherein a requesting device such as a wireless/wireline telephone device sends a request for the location of a communication device to a wireless system controller (see p. 2 [0023], p. 4 [0034] and Fig. 1 [i.e. wireless/wireline telephone devices 101, 102 & 113 reads on a request apparatus requesting position information from wireless system controller 107 [i.e. reads on a measuring apparatus] of a communication device 101 [i.e. reads on a search object] in the wireless system 100]). According to Calvert, the search request preferably includes the identification (ID) or address of the communication device to be located and the address or ID of the requesting device to which the location is to be sent (see p. 4 [0034]).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Murphy with Calvert to include a request apparatus requesting the position information of the search object and transmitting to the request apparatus the position information of the search object, in order to accurately locate a communication device by including the identification (ID) or address of the

communication device to be located in a search request to the system infrastructure as taught by Calvert (see p. 2 [0020] and p. 4 [0034]).

Regarding claims 8 and 14, Murphy teaches a method of cooperating with a service device that provides position information of a search object, comprising: transmitting radio waves receivable by the search object (see col. 4, lines 25-31 and Fig. 1B; shows communication links 18A, 18B, 18C between search object 12 and tracking units 10); receiving a response to the radio waves from the search object (see col. 4, lines 25-31 and Fig. 1B; shows communication links 18A, 18B, 18C between search object 12 and tracking units 10); calculating a distance between the apparatus and the search object from the response received (see col. 4, lines 43-59 and col. 7, lines 1-14); acquiring present position information of the apparatus (see col. 7, lines 15-21); and transmitting the present position information and the distance information to the service device (see col. 4, line 43 through col. 5, line 9 and col. 7, lines 1-14), wherein the service device is placed at a predetermined fixed location (see col. 4, lines 60-67, col. 7, lines 59-64 and Fig. 1B; shows a base station 20 placed at a predetermined fixed location from tracking units 10A-10C).

Murphy fails to explicitly teach a request apparatus requesting a position of the search object.

In an analogous field of endeavor, Calvert teaches a method and apparatus for accurately locating a communication device in a wireless communication system, wherein a requesting device such as a wireless/wireline telephone device sends a request for the location of a communication device to a wireless system controller (see



p. 2 [0023], p. 4 [0034] and Fig. 1 [i.e. wireless/wireline telephone devices 101, 102 & 113 reads on a request apparatus requesting position information from wireless system controller 107 [i.e. reads on a measuring apparatus] of a communication device 101 [i.e. reads on a search object] in the wireless system 100]). According to Calvert, the search request preferably includes the identification (ID) or address of the communication device to be located and the address or ID of the requesting device to which the location is to be sent (see p. 4 [0034]).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Murphy with Calvert to include a request apparatus requesting a position of the search object, in order to accurately locate a communication device by including the identification (ID) or address of the communication device to be located in a search request to the system infrastructure as taught by Calvert (see p. 2 [0020] and p. 4 [0034]).

Regarding claims 10 and 16, Murphy teaches a method of providing position information of a search object (see col. 3, line 62 through col. 4, line 12, col. 6, lines 22-50 and Fig. 1B), comprising: receiving, from a measuring apparatus that measured a position of the search object, present position information of the measuring apparatus and information about a distance between the measuring apparatus making the measurement and the search object (see col. 4, lines 43-59 and col. 7, lines 1-14); calculating the position information of the search object, based on the present position information and the information about the distance to the search object received from the measuring apparatus (see col. 4, lines 43-59 and col. 7, lines 1-14); and transmitting

to an apparatus the position information of the search object that has been calculated based on the present position information and the information about the distance to the search object received from the measuring apparatus (see col. 9, lines 4-15).

Murphy fails to explicitly teach a request apparatus requesting the position information of the search object and transmitting to the request apparatus the position information of the search object.

In an analogous field of endeavor, Calvert teaches a method and apparatus for accurately locating a communication device in a wireless communication system, wherein a requesting device such as a wireless/wireline telephone device sends a request for the location of a communication device to a wireless system controller (see p. 2 [0023], p. 4 [0034] and Fig. 1 [i.e. wireless/wireline telephone devices 101, 102 & 113 reads on a request apparatus requesting position information from wireless system controller 107 [i.e. reads on a measuring apparatus] of a communication device 101 [i.e. reads on a search object] in the wireless system 100]). According to Calvert, the search request preferably includes the identification (ID) or address of the communication device to be located and the address or ID of the requesting device to which the location is to be sent (see p. 4 [0034]).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Murphy with Calvert to include a request apparatus requesting the position information of the search object and transmitting to the request apparatus the position information of the search object, in order to accurately locate a communication device by including the identification (ID) or address of the

communication device to be located in a search request to the system infrastructure as taught by Calvert (see p. 2 [0020] and p. 4 [0034]).

Regarding claims 11 and 17, Murphy teaches a method of providing information of a search object through a system including a service device that provides the position information of the search object and measuring apparatuses for reporting distances to the search object to the search device (see col. 3, line 62 through col. 4, line 12, col. 6, lines 22-50 and Fig. 1B; shows tracking units 10A-10C [i.e. reads on a measuring apparatus] cooperating with a base station 20 [i.e. reads on a service device] that provides position information of an object 12 [i.e. reads on a search object]), comprising: receiving via the service device the position information of the search object calculated based upon the reporting from the measuring apparatuses (see col. 4, lines 43 through col. 5, line 9 and col. 7, lines 1-14), wherein the service device is placed at a predetermined fixed location (see col. 4, lines 60-67, col. 7, lines 59-64 and Fig. 1B; shows a base station 20 placed at a predetermined fixed location from tracking units 10A-10C).

Murphy fails to explicitly teach transmitting by a request apparatus, a search request for the position information of the search object to the measuring apparatuses existing in a periphery of the apparatus.

In an analogous field of endeavor, Calvert teaches a method and apparatus for accurately locating a communication device in a wireless communication system, wherein a requesting device such as a wireless/wireline telephone device sends a request for the location of a communication device to a wireless system controller (see

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p. 2 [0023], p. 4 [0034] and Fig. 1 [i.e. wireless/wireline telephone devices 101, 102 & 113 reads on a request apparatus requesting position information from wireless system controller 107 [i.e. reads on a measuring apparatus] of a communication device 101 [i.e. reads on a search object] in the wireless system 100]). According to Calvert, the search request preferably includes the identification (ID) or address of the communication device to be located and the address or ID of the requesting device to which the location is to be sent (see p. 4 [0034]).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify Murphy with Calvert to include, transmitting by a request apparatus, a search request for the position information of the search object to the measuring apparatuses existing in a periphery of the apparatus, in order to accurately locate a communication device by including the identification (ID) or address of the communication device to be located in a search request to the system infrastructure as taught by Calvert (see p. 2 [0020] and p. 4 [0034]).

Regarding claims 7, 13 and 19, Murphy in view of Calvert teaches all the limitations of claims 5, 11 and 17. Calvert further teaches receiving setting of a search object range in the periphery of the request apparatus, and controlling electromagnetic waves carrying the search request at a predetermined receipt electric power level in the search object range (see p. 4 [0034 & 0037-0039]).

Regarding claims 3, 6, 9, 12, 15 and 18, Murphy in view of Calvert teaches all the limitations of claims 1, 5, 8, 11, 13 and 17. Calvert further teaches wherein the search request contains information capable of specifying the request apparatus, and the unit

transmitting the present position information and the distance information together with the specifiable information to the service device (see p. 4 [0034 & 0037-0039]).

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

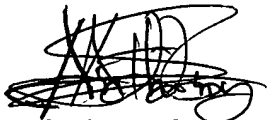
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony S. Addy whose telephone number is 571-272-7795. The examiner can normally be reached on Mon-Thur 8:00am-6:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc M. Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony S. Addy  
May 19, 2006



ELISEO RAMOS-FELICIANO  
PRIMARY EXAMINER